

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLAUDETTE MARSHALL-MCCLURE

Plaintiff,

v.

WALMART, INC., and WAL-MART REAL  
ESTATE BUSINESS TRUST, and WAL-  
MART STORES EAST L.P., and WAL-  
MART STORES EAST INC., and DLC  
MANAGEMENT CORP., and DLC  
MANAGEMENT GROUP INC., and  
GREGORY GERTH, and ABC  
CORPORATION(S) 1-10, and JOHN/JONE  
DOE(S) 1-13

Defendants.

CIVIL ACTION - LAW

NO. 2:23-cv-00477

JURY TRIAL DEMANDED

**RESPONSE OF DEFENDANTS, WALMART INC., WAL-MART REAL ESTATE  
BUSINESS TRUST, WAL-MART STORES EAST, LP, AND GREGORY GERTH TO  
PLAINTIFF'S MOTION TO REMAND**

Walmart Inc., Wal-Mart Real Estate Business Trust, Wal-Mart Stores East L.P., Wal-Mart Stores East Inc., (hereinafter referred to collectively as "Walmart") and individual defendant Gregory Gerth (herein referred to as "Defendant Gerth") by and through undersigned counsel, hereby respond to Plaintiff's Motion to Remand as follows:

Plaintiff correctly asserts that because Defendant, Gregory Gerth is a resident and citizen of the Commonwealth of Pennsylvania, removal to the Eastern District of Pennsylvania was improper under 28 U.S.C. § 1441(b). Consequently, Walmart and Defendant Gerth do not

oppose Plaintiff's Motion. Defendants reserve the right to remove the matter to the Eastern District should the matter become removable in the future.

**MCDONNELL & ASSOCIATES, P.C.**

Dated: March 3, 2023

By: /s/ J. Michael Kvetan  
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**CERTIFICATE OF SERVICE**

I, J. Michael Kvetan, Esquire hereby certify that on the 28<sup>th</sup> day of February, Defendant's Response to Plaintiff's Motion to Remand was filed with the Court and served via regular mail upon counsel of record:

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*Counsel for Plaintiff*

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*Counsel for DLC Management Corp and  
DLC Management Group Inc.*

**MCDONNELL & ASSOCIATES, P.C.**

Dated: March 3, 2023

By: /s/ J. Michael Kvetan  
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*Attorneys for Wal-Mart Defendants*